



Patent

Attorney's Docket No. P2648-000719

ZW
AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP REPLY BRIEF
Freddie Geier et al.)	
Application No.: 09/757,006)	Group Art Unit: 2174
Filed: January 8, 2001)	Examiner: LE V NGUYEN
For: MEDIA EDITING AND CREATING)	Confirmation No.: 7086
INTERFACE)	
)	
)	
)	

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is being filed to respond to points of argument raised in the Examiner's Answer dated October 11, 2006.

In their main Brief, Appellants pointed out that the rejection relies upon the explorer window 120 shown in Figure 1 of the Microsoft Window's screen images as disclosing the claimed "window that defines an area onto which a user can drag and drop one or more files to be recorded on a removable storage medium..." However, the rejection relies upon an entirely different type of window, namely the folder window shown in Figure 2 of the screen images, as disclosing a control element that enables a user to select from among a plurality of different themes. The Brief pointed out that the "View" menu of the folder window illustrated in Figure 2 is not associated with the explorer window 120 of Figure 1, and therefore does not constitute a control element that is "on said window", as recited in claim 85.

On page 8, the Answer appears to be taking the position that the "View" menu of the explorer window illustrated in Figure 1 is the same as the "View" menu of the

folder window illustrated in Figure 2. Even if one accepts this position, the Answer still fails to demonstrate that the screen images anticipate the subject matter of claim 85.

The explorer window 120 illustrated in Figure 1 contains two panes. As pointed out in Appellants' main Brief, it appears that the rejection is interpreting the left pane, in which the floppy disk icon 130 appears, as the "area" recited in claim 85. This interpretation was not disputed in the Answer. Claim 85 recites that the control element on the window enables a user to select from among a plurality of different themes "for displayed features of said defined area and said icons", i.e. the icons displayed within that defined area. The rejection has not established that the "View" menu on the explorer window 120 enables the user to select different views within that defined area, i.e. within the left pane. Rather, in the operation of the Microsoft Windows user interface, the various selections offered under the "View" menu of the explorer window, namely "Large Icons", "Small Icons", "Lists" and "Details", pertain to the icons that are displayed in the *right* pane.

Neither Figure 1, nor Figure 2, of the screen images illustrate a control element that enables a user to select from among a plurality of different themes for displayed features of the "defined area" and icons displayed within that area. As noted previously, the folder window of Figure 2 has nothing to do with the defined area, i.e. the left pane, of the window in Figure 1. Nor has the Examiner provided any evidence to show what happens when a user accesses the "View" menu of the explorer window in Figure 1.

Accordingly, the Answer still fails to establish that the screen images of Microsoft Windows disclose *every* feature recited in claim 85. As such, the claims are not anticipated by these screen images.

At the top of page 9, the Answer mischaracterizes the argument presented on page 4 of Appellants' Brief, relating to claim 88. That argument is not directed to a distinction other than one which is explicitly recited in the claim. Specifically, claim 88 recites that the shape of the icons displayed within the defined area "is determined by the selected theme."

It is to be noted that Figure 2 of the screen images only illustrates a single view, namely the "Large Icons" view. As a result, the screen images do not demonstrate what effect, if any, switching to a different view may have upon the shape of the icons. The point of Appellants' argument is that, if the shape of the icons is the same in each view, that shape is independent of the particular selected view. As such, the shape is not "determined by" the selected view, as recited in the claims. The single screen shot of Figure 2 does not provide any disclosure that refutes this argument. For instance, it does not demonstrate, for the *same* window, what happens to the icons when the user switches from one view to another (in contrast to Figures 2 and 4 of the present application). There is insufficient evidence presented to support the rejection of claim 88.

In the middle of page 9, with reference to claim 89, the Answer notes that graphical user interfaces for computers contain a background against which icons and windows are displayed. The Answer then concludes "the defined area is displayed with a background image of fig. 2 that is determined by the selected theme such as 230." The Answer does not provide any evidence to support this conclusion.

In particular, it does not identify any relationship between the background that is displayed in the window of Figure 2 and the view that has been selected by the user. As pointed out in Appellants' main Brief, if the same background is presented for each view, then that background is independent of the view. Since there is no relationship between the background and the selected view, the background is not "determined by" the selected view, as recited in claim 89. The single screen image presented in Figure 2 does not provide sufficient evidence to support the rejection of claim 89.

In connection with claims 90 and 91, the Answer improperly asserts that the argument is directed to features that are not recited in the rejected claims. Parent claim 85 recites that the graphical user interface includes a recording control element which causes content of the files in the defined area "to be recorded on a removable storage medium." Claim 90 recites that this removable storage medium is a digital versatile disk (DVD) and claim 91 recites that the removable storage medium is a compact disk (CD). Thus, when viewed in the context of their parent claim, these latter two claims recite that the recording control element causes the content of the files in the defined area to be recorded on a DVD (claim 90) or a CD (claim 91).

The Answer particularly focuses upon Appellants use of the phrase "to be burned onto the disk", and suggests that this is a feature which is not recited in the rejected claims. In the applicable field of technology, the process of recording data on a CD or DVD is commonly referred to as "burning" a disk. See, for example, the Microsoft Computer Dictionary, Fifth Edition, page 77, and the Dictionary of Computer and Internet Terms, Barron's Educational Series, Seventh Edition, page 69. Appellants' use of this colloquial synonym, rather than the specific term

"recording", does not direct their arguments to subject matter outside the context of the claim.

To support the Official Notice that was employed in the rejection of claims 90 and 91, the Answer provides a reference which discusses the playback of information on CDs and DVDs. In doing so, the Answer appears to miss the point of Appellants' argument. Appellants are not refuting the Examiner's position that the storing of data on a DVD or CD is well known. Rather, the Brief points out that this fact, by itself, does not suggest the subject matter of claims 90 and 91. As discussed above, when these claims are considered in conjunction with their parent claim, they recite that the graphical user interface includes a recording control element which causes the content of the files in the defined area of the window to be recorded on a DVD or a CD. Neither the Official Notice, nor the supplemental reference provided with the Answer, describes *how* data is recorded on a CD or DVD. Specifically, they do not disclose a recording control element in a graphic user interface, that performs the functions recited in claim 85 with respect to a CD or a DVD. Neither the final Office Action, nor the Answer, provide any evidence to show that a CD or a DVD can be recorded in the same manner as a floppy disk can in the context of Figure 1 of the screen images. The Answer does not identify any control element that would enable such a function to be accomplished.

The rejection of claims 90 and 91 appears to be focused upon the language of these two claims alone, and does not consider them in the context of claim 85 from which they depend. When the subject matter of these claims is considered as a whole, the Official Notice does not support their rejection.


The remaining points presented in the Examiner's Answer are addressed in Appellants' main Brief, and therefore are not discussed further herein.

For the reasons presented in Appellants' Brief and this Reply Brief, the rejections of the claims are not supported by the cited prior art references.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: December 11, 2006

By: 
James A. LaBarre
Registration No. 28632

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620